

MINUTES OF THE BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS

DATE: September 29, 2017

TIME: 10:00 AM CST

LOCATION: Poplar Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: James Burkard, LDN, Chair
Queen Cox, LDN, Secretary
Samuel Sisley, LDN
Linda Hankins, LDN
Jamie Bailey, LDN
Patrick Parham, Citizen Member

MEMBER(S) ABSENT: None

STAFF PRESENT: Michael Sobowale, Unit Director
Crystal Bloom, Board Administrator
Nathaniel Flinchbaugh, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator
Noranda French, Financial Officer

Call to Order

A roll call of all board members and administrative staff present was taken. With a quorum present, Michael Sobowale called the meeting to order at 10:04 AM.

Election of Officers

Mr. Samuel Sisley made a motion to nominate Mr. James Burkard as Board Chair. The motion was seconded by Ms. Jaime Bailey. The motion carried. Mr. James Burkard accepted the role as the Board Chair.

Ms. Queen Cox made a motion to nominate herself for the role of Board Secretary. The motion was seconded by Mr. Sisley. The motion carried. Ms. Queen Cox accepted the role of Board Secretary.

Minutes

Mr. Sisley made a motion, seconded by Ms. Cox, to accept the February 24, 2017 minutes as written. The motion carried.

Office of General Counsel Report

Nathaniel Flinchbaugh, Assistant General Counsel, reminded members about the Conflict of Interest policy. He discussed that the purpose of the discussion is to ensure that the individual interests of board members do not conflict with, or have the appearance of conflict with their responsibilities on the Board. He presented the following report from the Office of General Counsel (OGC):

A. Litigation

The Office of General Counsel has no open cases against licensees of this Board.

B. Rules

The rule change to effectuate a fee reduction is in the internal review process.

Investigative and Disciplinary Reports

Ms. Lori Leonard, Disciplinary Coordinator in the Office of Investigations presented the investigative and disciplinary report. Currently, there are a total of six (6) new open complaints year to date, and five (5) new open complaints since the last meeting on February 24, 2017. No complaints have been closed this year. Ms. Leonard also presented the monitored disciplined practitioners' report. Six (6) practitioners are currently being monitored. One (1) practitioner is revoked and this practitioner owes fees.

Financial Report

Ms. Noranda French, Division Financial Officer, presented the board's financial report. Ms. French reported that the Board requested to see a new-year and year-end report, growth of the board, and the number of retired licenses. Ms. French reported that Total Direct Expenditures were \$24,256.99, Total Allocated Expenditures equaled \$21,340.87, Combined Total Expenditures came to \$45,597.86, Board Fee revenue was \$97,659.50, leaving a Current Year Net of \$52,061.64. The Board's portion of LARS is \$12,386.28, which left the Board with a cumulative carryover balance of \$207,475.04. Ms. French also presented other reports which showed the Board's growth in the last three (3) years and possible scenarios for fee reductions that the board may consider when deciding on the reduction of license renewal fees. Ms. Cox made the motion for the Board to accept the proposal for a renewal reduction fee of \$20.00. Motion was seconded by Ms. Hankins. The motion carried.

Applicant Interviews

Susan Melhorn, DN – Ms. Melhorn was not present. Ms. Melhorn was seeking initial licensure as a Dietitian/Nutritionist Examiner. Her criminal background check revealed multiple past criminal convictions, Operating a motor vehicle Under the Influence of Drugs or Alcohol, Operating a motor vehicle with .08 of 1% alcohol, and failure to stay in Lane, on July 16, 2016. After review and discussion, Ms. Bailey made a motion, seconded by Ms. Cox, to approve Ms. Melhorn for a license. The motion carried.

Ciara Manning, DN – Ms. Manning was not present and attempts to reach her by phone were unsuccessful. Ms. Manning was seeking initial licensure as a Dietitian/Nutritionist Examiner. Her criminal background check revealed multiple past criminal charges. Ms. Manning was convicted of leaving the scene of an accident on May 22, 2012. After review and discussion, Ms. Bailey made a motion, seconded by Ms. Cox, to approve Ms. Manning for a license. The motion carried.

Administrative Report

Ms. Bloom reported that the Board has 1816 total active DN licensees as of September 21, 2017.

LICENSURE STATUS TOTALS FOR THE MONTHS OF
FEBRUARY 11, 2017 THROUGH SEPTEMBER 21, 2017

Dietitians/Nutritionists	
New applications received – 125	New licenses issued – 110
Number of paper renewals – 111	Number of renewals on line – 317
Failed to Renew/Expired Licensees – 44	Number of licensees who retired – 16
Reinstatements – 18	Temporary Licenses Issued – 8

For this reporting period, online renewals for Dietitian/Nutritionists constituted a usage rate of 74%.

TSAC Orders

There was no license suspension pertaining to Tennessee Student Assistance (TSAC) loan Default Order to report at this time.

Board Members

Ms. Bloom thanked Mrs. Jacqueline Daughtry, former Board Chair, Virginia Carney, and Susan L. Brantley for their dedicated services to the Board during their tenures. Also, Mrs. Jamie

Bailey, Queen Esther Cox, Linda Hankins, and Mr. Patrick Parham, newly-appointed members, were welcomed to the Board.

2017 Conferences

Food and Nutrition Conference and Expo (FNCE) – Chicago, IL, October 21-24, 2017. No action was taken.

Agreed Citations

A. Kathleen Cox, LDN #2497

Mr. Sobowale presented an Agreed Citation on Kathleen Cox, LDN #2497 for ratification. Ms. Cox practiced on an expired license for one month (1) month and pursuant to the Board's lapsed license policy, an Agreed Citation was issued for this violation. Ms. Cox agreed to pay assessed civil penalties in the amount of fifty (\$50.00) dollars and the violation will be reported to health licensees' disciplinary database and also appear on the Health Department's website. A motion was made by Mr. Sisley, and seconded by Ms. Bailey, to approve the Agreed Citation as presented. The motion carried.

Ratifications

Ms. Bailey made a motion, seconded by Ms. Cox, to approve the list of newly licensed, reinstatements and closed files. The motion carried. Mr. Sisley recused himself from the approval of newly licensed practitioner, Lauren Veitch, and Ms. Bailey recused from participating in approval of license reinstatement for Susan Smith, LDN due to Conflict of Interests.

NEWLY LICENSES -DIETITIANS/NUTRITIONISTS – 94

ARSENAULT, THERESA	CORNETT, LESLIE	FLOOD, CATHERINE	HINTON, KATHERINE
AUBERG, HANNAH	CRONE, LAURA	FOREMAN, LAUREN	HOESTEN, MARK
AYRES, AMY	DAVIS, KRISTIN	FREEMAN, JEANNA	HOSCHEIT, ARIKA
BABB, SARA	DENNING, ELLEN	FRITTS, MEGAN	KAUFMAN, MARCY
BLOOMER, KIM	DILL, RACHAEL	GAUCHER, LINDSAY	KELLY, SARA
BOONE, KIMBERLY	DILLON, BRITTANY	GLOVER, STEPHANIE	KENNEDY, SARAH
CAMPBELL, LINDA	DOUGLAS, KRISTIN	GRIGONIS, TAMSEN	KILPATRICK, ASHLEY
CATES, LAURA	DUTTA, MAIA	HALL, REBECCA	LANCE, CAITLYN
CHAVIRA, PATRICIA	ELI, COURTNEY	HAMLIN, JENNIFER	LARSON, HOLLY
CHILDERS, NANCY	ENGLEHARDT, EMILY	HANSON, MEGAN	LEGI, REBECCA
CLEMENS, CARLEE	FINCH, MARLEA	HARPER, SALLY	MANUSZAK, EMILY
COCHRANE, ELISABETH	FLEMING, ERICA	HENDERSON, JESSICA	MCNULTY, KIMBERLY

MENDIETA, MIGUEL	PUORRO, GINA	SHANNON, STEPHANIE	VEITCH, LAUREN
MOLINAR, AMANDA	RAMIREZ, ELISE	SMITH, ELIZABETH	VERSWAYVELD, LAUREN
MONDELLI, VIRGINIA	RAPHAEL, LYNNE	SMITH, OAKLEY	WELBORN, KYLIE
MOORE, BRITTANY	REED, NICHOLE	SOUTHERTON, LIZA	WHITTINGTON, STACY
MOORE, CARY	RIGGINS, AMY	SRDOCH, LAUREN	WILD, COURTNEY
MURTAUGH, KAYLA	ROCHE, ABIGAIL	STEELE, LAUREN	WILLIAMS, ERIKA
OLSON, JULIE	ROSE, PAULA	STOWERS, KATHRYN	WILLIAMS, SIMONA
OPIE, LINDSAY	ROWE, CASSIE	TAYLOR, AMANDA	WOLFE, REBECCA
OSTERNENDORF, HANNAH	RUSSELL, MELISSA	THOMPSON, ELISE	LAURA JOHNSON
PRESSNELL, CAULYN	SARLI, DOROTHEA	TRUONG, TINA	
PRITCHETT, ALYSSA	SCOTT, KOLETA	VAIR, KIMBERLY	
PROVO, CASEY	SHAAR, NANCY	VAUGHN, ABIGAIL	

REINSTATEMENTS -DIETITIANS/NUTRITIONISTS – 18

BUMBALOUGH, HEATHER	GILES, KATHERINE	SMITH, SUSAN
COTTRELL, JULIE	GOMEZ, PATRICIA	SPITZER, JENNIFER
COX, KARA	HANSEN-PETRIK, MELISSA	SPRECKELMEYER, KIMBERLY
COX, KATHLEEN	HINSON, DEBORAH	SWAGGERTY, LEESA
DAVIS, LISA	KELLEY, SUSAN	WELCH, SUSAN
DUFF, DAVID	LAYNE, VALERIE	BARBARA JOINES

CLOSED FILES – DIETITIANS/NUTRITIONISTS – 5

CATE, REBECCA
 EASTEP, JENNIFER
 HANEY, LACY
 LEE, CELESTE
 MACHER, KRISTIN

Correspondence/ Other Discussion

There was no correspondence for discussion at this time.

New Legislation

Ms. Lacey Blair, Department of Health Legislative Liaison presented six (6) new Public Chapters from the last legislative session which may impact the Board:

Public Chapter 350 – This legislation will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one (1) hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider’s annual continuing education requirement. This legislation took effect on May 12, 2017.

Public Chapter 215 – Requires agencies such as this Board that establish or adopt guides to practice to promulgate rules specifying all provisions included in and relating to those guides to practice. This legislation took effect on April 28, 2017.

Public Chapter 240 – Among other provisions, this legislation gives agencies with the Health Related Boards authority to issue temporary limited licenses to applicants who have been out of clinical practice or engaged in administrative practice for some period. It also requires hospitals and other healthcare facilities to report to the appropriate health licensing board any disciplinary action taken against a licensed person when such action is related to ethics, incomplete, moral turpitude or substance abuse. This legislation took effect on May 2, 2017.

Public Chapter 481 – This legislation makes it a violation for a healthcare practitioner to refuse to submit to a drug test or test positive for a drug the practitioner does not have a lawful prescription for or a valid medical reason for using. It requires peer assistance or other treatment programs to report such individuals who are referred but fail to obtain or maintain the advocacy of the program or otherwise fails to comply with the terms of the program. This legislation took effect on July 1, 2017.

Public Chapter 230 – This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve, remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees. This legislation took effect on April 24, 2017.

Adjournment

There being no other business, Mr. Sisley made a motion, seconded by Ms. Hankins, to adjourn the Board meeting. The motion carried.

The Board meeting was adjourned at 11:28 AM, Friday, September 29, 2017.

These minutes were ratified by the Board on February 23, 2018.